

# AT YOUR SERVICE: A GUIDE TO LOCAL SERVICE REQUIREMENTS

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## KEY:<sup>2</sup>

D = Debtor  
T = Trustee  
COM = Committee  
AP = Affected Party<sup>4</sup>  
NOA = Parties who have entered a notice of appearance

DA = Debtor's Attorney  
UST = United States Trustee<sup>3</sup>  
L20 = 20 Largest Unsecured Creditors  
All = All creditors on the matrix

PLEADING	CHAPTER	CODE/RULE	PARTIES TO SERVE
<b>APPLICATIONS</b>			
Administrative Expense [Application]	All	11 U.S.C. § 503 and Rule 9034(e)	D, DA, T, UST, AP
Appoint Trustee or Examiner [Application]	11	11 U.S.C. § 1104, and Rules 2007.1 and 9034(g)	D, DA, UST, All
Compensation and Expenses [Application]	All	11 U.S.C. § 330, Rules 2002(a)(6) and 9034(e)	* D, DA, T, UST, All
Employ Professional Persons [Application]	7, 11, 12	2014 and 9034(d)	D, DA, T, UST, L20 or COM, NOA <sup>5</sup>
<b>MOTIONS</b>			
** Abandon Property [Motion (21 days)]	All Chapters	6007(a)	D, DA, T, UST, COM, All
** Proposed Abandonment or Disposition of Property [Motion/Notice (21 days)]	All	6007(b)	D, DA, T, UST, COM, ALL
Accept/Reject Executory Contract [Motion]	7, 11, 12, 13	6006(a), (c)	D, DA, T, UST, AP, L20 or COM
Accept/Reject Lease [Motion]	7, 11, 12, 13	6006(a), (c)	D, DA, T, UST, AP, L20 or COM
** Avoid Lien under § 522(f) [Motion]	All Chapters	4003(d)	UST, T, AP

PLEADING	CHAPTER	CODE/RULE	PARTIES TO SERVE
Cash Collateral: [Motion to Use; Creditor's Motion to Prohibit Use]	11, 12	4001 and 9034(f)	D, DA, T, UST, AP, L20 or COM
**Compromise [Motion (21 days)]	All Chapters	9019, 2002(a)(3), and 9034(b)	* D, DA, T, UST, AP, ALL
Convert from Chapter 11 to 7 [Creditor's Motion]	11	1017(f)(1), 2002(a)(4), and 9034(c)	D, DA, UST, COM, All
Convert from Chapter 11 to 7 [Debtor in Possession's Motion]	11	1017(f)(2), 2002(a)(4), and 9034(c)	UST, COM, All
Convert from Chapter 7 to 11 [Creditor's Motion]	7	1017(f)(1), 2002(a)(4), and 9034(c)	D, DA, T, UST, All
Convert from Chapter 7 to 11 [Debtor's Motion]	7	1017(f)(2), 2002(a)(4), and 9034(c)	UST, T, All
Convert from Chapter 7 to 13 [Debtor's Motion]	7	1017(f)(2), 2002(a)(4), and 9034(c)	T, UST, All
**Determine Secured Status and Strip Lien [Motion (30 days)]	13	4003-2; TPA- 2009-10	T, AP, person who filed proof of claim for mortgagee
** Determine Secured Status [Motion]		3012	
Determine Whether Debtor is a Health Care Business [Motion]	7, 9, 11	1021	D, DA, T, UST, COM or L20
Dismiss Chapter 7, 11, or 12 [Creditor's Motion]	7, 11, 12	1017(f)(1), 2002(a)(4), and 9034(c)	D, DA, T, UST, All
Dismiss Chapter 7, 11, or 12 [Debtor's Notice/Motion]	7, 11, 12	1017(a), 2002(a)(4), and 9034(c)	T, UST, All
Examination Under Rule 2004 [Motion]	All	2004 and 9013	D, DA, UST, T, AP
Extend Deadline to File a Complaint Under § 523 and/or § 727 [Motion]	7, 11	4004, 4006, 9013	D, DA, T, UST

PLEADING	CHAPTER	CODE/RULE	PARTIES TO SERVE
Extend Exclusivity Period for Filing Plan of Reorganization [Motion]	11	11 U.S.C. §§ 1121(d) and 102(1)	D, DA, UST, L20 or COM, NOA
Extend Exclusivity Period for Filing Plan of Reorganization in Small Business Case [Motion]	11	11 U.S.C. § 1121(e)(3)	D, DA, UST, L20 or COM, NOA
Modify Plan of Reorganization After Confirmation in Individual Debtor Case [Motion]	11	3019(b)	D, DA, T, UST, All
Modify Plan of Reorganization Before Confirmation [Motion]	11	3019(a)	D, DA, UST, T, All
**Obtain Post Petition Financing [Motion (14 days)]	11	4001(c) and 9034(f)	UST, AP, L20 or COM, NOA
Reconsider or Vacate Order [Motion]	All	3008 and 9013	D, DA, T, UST, AP
** Redeem [Motion]	7	2002-4 and 6008	T, AP
** Relief From Co-Debtor Stay [Motion]	13	11 U.S.C. § 1301	D, DA, T, Co-Debtor
Relief From the Automatic Stay (** Motion for Relief From Stay may be served by negative notice in Chapter 7 cases only (21 days)) [Motion]	All	4001(a)	D, DA, T, UST, AP, COM or L20
Re-Open Case [Motion]	All	5010 and 9024	D, DA, T, UST, AP, ALL (if the motion to re-open does <u>not</u> affect all creditors, notice need <u>only</u> be made on the affected party)

PLEADING	CHAPTER	CODE/RULE	PARTIES TO SERVE
Require Trustee or Debtor in Possession to Accept/Reject Lease or Executory Contract [Motion]	9, 11, 12, 13	6006(b), (c)	D, DA, T, UST, AP, L20 or COM
**Sale of Real Property (motion to sell or lease property may be done through negative notice but not motions to sell property free and clear of liens) [Application/Motion]	All	6004, 2002(a)(2), and 9034(a)	* D, DA, T, UST, AP, ALL
Sell Free and Clear of Liens [Motion]	7, 11, 12	6004(c) and 2002(a)(2)	* D, DA, T, UST, AP, All
** Valuation of Collateral [Motion]	All	3012, 3012-1 <sup>6</sup>	D, DA, T, UST, AP
Withdraw as Counsel [Motion]	All	LBR 2091-1	D, DA, T, UST, AP (service of a motion to withdraw as counsel must be made on the client or party affected, and opposing counsel)
<b>OBJECTIONS</b>			
Objection to Chapter 11 Plan	11	3017(a)	D, DA, T, UST, COM
Objection to Chapter 12 Plan	12	3015(f)	D, DA, T, UST
Objection to Chapter 13 Plan	13	3015(f)	D, DA, T, UST
** Objection to Claim (30 days)	All	3007 and LBR 3007-1	D, DA, T, AP
Objection to Claim of Exemption	All	4003	D, DA, T, UST, AP
Objection to Disclosure Statement	11	3017(a) and 3017.1	D, DA, T, UST, COM
Objection to Motion to Modify Confirmed Plan	12, 13	3015(g)	D, DA, T, UST

PLEADING	CHAPTER	CODE/RULE	PARTIES TO SERVE
<b>OTHER</b>			
Amendments of Schedules	7, 11, 12, 13	1009 and LBR 1009-1	AP, T, UST (UST need not be served when amending 13 schedules)
Determination of Small Business Chapter 11 Reorganization Case [Objection/Request]	11	1020(d)	D, DA, T, UST, COM, L20
Involuntary Bankruptcy Petition	7, 11	1010	D, UST

\* Pursuant to LBR 2002-1, the notice requirements of Fed. R. Bankr. P. 2002(a)(2), (3) and (6) may be delivered only to the parties on the LBR 1007-2 Parties in Interest List. When serving the parties reflected on the LBR 1007-2 list, you are serving the Committee and 20 Largest Unsecured Creditors; however, you must still serve the Committee's counsel and co-counsel, if applicable.

\*\* Pursuant to LBR 2002-4, this item may be served by negative notice. However, the Court has discretionary authority to set any matter for hearing even if no objection is filed. Motions to Approve Agreements relating to: Relief from Stay, Prohibiting or Conditioning Use, Sale, or Lease of Property, Providing Adequate Protection, Use of Cash Collateral and Obtaining Credit may be served by 15-day negative notice pursuant to L.B.R. 2002-4(a)(1)(b)(4)(i).

<sup>1</sup> Thanks to Chuck Kilcoyne and the Tampa Division Clerk's Office Staff for their help in reviewing and approving this article and its contents.

<sup>2</sup> Pursuant to LBR 7005-3, "[a] party may make service under Rule 5(b)(2)(D) of the Federal rules of Civil Procedure through the Court's electronic transmission facilities if the party being served is a Filing User or otherwise consents in writing to electronic service."

<sup>3</sup> Pursuant to Fed. R. Bankr. P. 9034, "[u]nless the United States Trustee requests otherwise or the case is a chapter 9 municipality case, any entity that files a pleading, motion, objections or similar paper ... shall transmit a copy thereof to the United States Trustee within the time required by these rules for service of the paper." In the Middle District of Florida, Tampa Division, the United States Trustee must be served with a copy of any paper in the following manner: (i) in a Chapter 11 or 12 case all papers must be served on the UST; (ii) in a Chapter 7 case (a) the petition and any amendments, (b) any matter related to the disposition of assets of the estate, (c) trustee's reports, and (d) orders concluding the case and discharging the trustee must be served on the UST; and (iii) in a Chapter 13 case service on the UST is not required.

<sup>4</sup> If an affected party is represented by counsel, both counsel and the affected party must be served.

<sup>5</sup> While Fed. R. Bankr. P. 2014(a) only requires service on the United States Trustee, the United States Bankruptcy Judges for the Middle District of Florida, Tampa Division require applications to employ professionals to be serviced on the creditors committee or the twenty largest unsecured creditors and all parties who have filed a notice of appearance.

<sup>6</sup> Local Rule 3012-1 requires service on the Affected Party pursuant to (1) 3007-1, as if it were a claims objection, thus requiring service on (a) the affected creditor to the person who signed the proof of claim (to the extent that such name can be determined from the proof of claim), and (b) any attorney who has filed an appearance for the affected creditor; and (2) Fed. R. Bankr. P. 7004, requiring service on officer of the affected creditor by certified mail (if the affected creditor is an insured depository institution), or by service on an officer, managing agent, or general agent authorized to receive service of process if not an insured depository institution.